

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

A. BOLTON,
Plaintiff,
v.
CITY OF BERKELEY, et al.,
Defendants.

Case No. [17-cv-01466-HSG](#)

**ORDER DENYING MOTION TO
VACATE**

Re: Dkt. No. 21

Pro se Plaintiff A. Bolton (“Plaintiff”) filed this action on March 17, 2017. Dkt. No. 1. The same day, Plaintiff filed a motion for leave to proceed in forma pauperis (“IFP”). *See* Dkt. No. 3. On March 27, 2017, Magistrate Judge Sallie Kim denied the motion without prejudice because Plaintiff failed to provide information regarding “the funds from which he receives support, e.g., wages, Social Security, public assistance,” or the “source of income from which [Plaintiff’s] property is maintained or from which Plaintiff is provided a living.” *Id.* Judge Kim thus found the application incomplete and provided Plaintiff with “one additional opportunity to present a revised application resolving this conflict” by April 27, 2017. *Id.* The case was then reassigned to this Court on April 4, 2017. Dkt. No. 8.


On April 20, 2017, Judge Kim’s order was returned to the Court as undeliverable. Dkt. No. 10. However, on April 24, 2017, the Court sent a new copy of the order to Plaintiff at his request, and that copy was not returned. *See* Dkt. No. 11. Nearly two months then passed, but Plaintiff failed to file any additional paperwork supporting his IFP application. The Court therefore dismissed the action without prejudice for failure to pay the filing fee or to submit a complete IFP application and the case was closed on June 14, 2017. The Court instructed Plaintiff that he may file a new action, but should include the filing fee or an IFP application with a new complaint to commence that new action.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Notwithstanding this direction, on June 22, 2017, Plaintiff filed a motion to vacate the Court's order. Dkt. No. 21. The Court **DENIES** the motion. As previously instructed, if Plaintiff wishes to pursue his claims, he is instructed to file a *new* action that includes a filing fee or a completed IFP application. The Court will not consider any additional motions in this closed case.

IT IS SO ORDERED.

Dated: 9/1/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge